THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.5310 of 2007

Between:

Yelugula Shiva Prasada Rao.

.. PETITIONER

and

The Chief Secretary,
Government of Andhra Pradesh,
and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that on a private complaint filed by him on the file of Additional Judicial First Class Magistrate, Vizianagaram, against respondents 4 and 5 for the offences punishable under Sections 166, 167, 182, 218 and 219 of Indian Penal Code and Section 30 of Human Rights Protection Act, the case was enquired into by the learned Magistrate and as the respondents 4 and 5 are public servants, necessary sanction is required under Section 197 Cr.P.C. to prosecute against them, and as the petitioner failed to obtain any sanction from the competent Authority, the said private complaint was closed by order, dated 28-03-2005, holding that it will be reopened when the complainant-petitioner obtains and files the sanction order.

It is stated that the 3rd respondent is the appointing Authority of the 4th and 5th respondents and therefore, he is competent to give necessary sanction under Section 197 Cr.P.C. In that regard, the petitioner filed representation, dated 31-08-2006, before respondents 2 and 3 and the same has not been considered, so far.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation, dated 31-08-2006, within a period of three weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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15-03-2007

Note:
Issue C.C. in three days.

(B/o)

Prv